

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No. 07-113-SLR
)
COREY ROANE,)
)
Defendant.)

GOVERNMENT'S MOTION FOR DISCOVERY

Pursuant to Rule 16(b)(1), the Government requests that the following discovery be made available, and that the Government be permitted to inspect and copy or photograph:

1. Any books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the defendant, the defendant's lawyers, or other agents of the defendant, and which the defendant intends to introduce as evidence in chief at the trial, *see* Rule 16(b)(1)(A), including, but not limited to any documents relied upon by any experts, and which are part of the underlying facts and data on which the expert will base his/her opinions, and that the defendant expects to call at trial;
2. Any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, within the possession or control of the defendant, his attorneys, or other agents, which the defendant intends to introduce as evidence in chief at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to that witness' testimony, *see* Rule 16(b)(1)(B);
3. A written summary of testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence at trial, including the witnesses' opinions, the bases and reasons for those opinions, and the witnesses' qualifications, *see* Rule 16(b)(1)(C).

4. Any statement which relates to the expected testimony from any defense witness, pursuant to Fed. R. Crim. P. 26.2. Recognizing that the Rule does not require production until after the end of direct testimony, we would request that these statements be produced in relation to the defense case at a time comparable to when the Government produces the statements of Government witnesses, or failing that, on the first day of trial or three days in advance of any hearing in this matter to which Rule 26.2 applies.

5. We would further request that the above discovery obligation be treated as a continuing request, and that the defense timely provide responsive materials that come into the possession of the defense after initial compliance with this request.

6. The Government made an oral request for discovery and followed with a letter on November 30, 2007, specifically requesting Rule 26.2 statements with regard to any witness the defense may call at the evidentiary hearing on December 19, 2007. In response counsel stated that he did not believe he had any such materials but made no representation as to whether he would produce any such materials he determined did exist.

7. Defendant has indicated that he plans call a witness at the evidentiary hearing, but has refused the Government's request to provide the name of this witness in advance of the hearing. Accordingly, the Government will be requesting that the record remain open after the hearing to permit the Government to present any impeachment evidence to the Court as a part of post-hearing briefing.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY: s/Lesley F. Wolf
Lesley F. Wolf
Assistant United States Attorney

Dated: December 11, 2007

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ORDER

IT IS HEREBY ORDERED this ____ day of _____, 2007, that the government's Motion for Discovery is GRANTED.

Defense counsel shall produce reciprocal discovery as provided in Federal Rules of Criminal Procedure 16 and 26 to the government not later than the first day of trial in this action or three days in advance of any evidentiary hearing in this matter.

HONORABLE SUE L. ROBINSON
UNITED STATES DISTRICT JUDGE

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COMPLIANCE WITH LOCAL RULE 5(d)(2)

I, Lesley F. Wolf, hereby certify that prior to filing this motion, a discovery request was made to counsel for defendant, Christopher Koyste, Esq., and no resolution was reached.

s/Lesley F. Wolf

Lesley F. Wolf
Assistant United States Attorney